

Computer Audio Engineering

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June 2, 2008

Mark Barrett
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RE: Taryn Christian vs. Richard Bissen, et al. Civil No. 04-00743-DAE-LEK video evidence.

Report

Assignment:

Computer Audio Engineering (CAE) was engaged to investigate, analyze and enhance three video recordings. The recordings were provided by the Maui Police Department to local council, Keith Shigetomi, who forwarded them to CAE. Two tapes are believed to be the originals and the third is marked as being a copy.

Physical Description of Tapes Provided:

1. Bank ATM video
 - a. No brand name is on the physical cassette. Box indicates 3M.
 - b. No lot number is on the physical cassette.
 - c. The format is VHS.
 - d. Edge label indicates:
 1. 07/13/95 12:45 to 7/14/96 16:35
 2. Det. A. Funes 07/14/95 1655 HRS.
 3. Number tags are on both ends – 8296 and either 06 or 90 on the other end. It's difficult to discern the 06 or 90.
 - e. The police property report indicates this recording was recovered from Sandra Kobayashi, a representative of the First Hawaiian Bank, Kihei.

The tape was initialed with red “JM” for future identification.

2. Gas Express video
 - a. Physical cassette indicates a Fuji SVHS.
 - b. Lot number 90641KWA ST120
 - c. Edge label states NAVCO. No other markings.
 - d. Top label states NACO, 13, 4/95, 95-39250, BK

- e. The police property report indicates this recording was recovered from Gas Express, Ohukai Road, from within the office and was turned over to Det. Brian Kaya by Gas Express employee Donald S. Bailes.

The tape was initialed with red "JM" for future identification.

3. Crime Scene video

- a. No brand name is on the physical cassette. Box indicates RCA.
- b. Lot number B5F 031C T-120.
- c. Format is VHS.
- d. Edge label indicates:
 1. 95-39250 Crime Scene Video
 2. 15 Kulanihakoi Kihei Hi.
 3. Copy of prosecutor's copy.

The tape was initialed with red "JM" for future identification.

Details:

CAE is primarily an audio facility. Occasionally CAE must work with video, extract the audio from that video for processing, and then synchronize the audio and video together. To do so CAE has professional equipment and software. However, for this specific examination anyone with a modern personal computer could have achieved similar results, since most computers are sold with video capture and processing software pre-installed. This was not a video expert's job. No enhancement of the videotapes was necessary. Series of still images were extracted from the videos, and are included (without enhancement) on the data DVD, *Christian 04-00743-DAE-LEK Video Evidence Data Files*, which accompanies this report. Additional copies of the photos were enlarged and brightened; these images are also on the DVD.

The goal of the examination of the Bank ATM and Gas Express videos was to find images of a male individual who is reported to have entered the Gas Express between 3 AM and 3:30 AM on 7/14/95. The existence of this individual is documented in a report by Officer Ricky Udoi dated, "7/14/95 0725 hours". To locate images of this individual, the Bank ATM video was searched one frame at a time. The Gas Express video was quickly determined to have been recorded on the wrong date and the examination was discontinued. The examination of the Crime Scene video was to search for any potentially helpful information, either visual or verbal.

Evidentiary Findings:

1. Gas Express video

This recording is for the wrong date and the examination of it was discontinued. This tape is marked as tape 13. According to the report by Officer Ricky Udoi, the tape for the correct date and time period is marked as number 11.

2. Bank ATM video

The bank ATM tape has clear images from two cameras. One camera is outside, by the ATM machine, and shows part of the parking area, the gas pumps, anyone using the machine and people entering the store. The other camera has a field of view inside the store from behind the counter but shows only registers 2 and 3, not register 1. The cameras take a new still image every 4 seconds. Usually the new image is from the other camera but occasionally the same camera will take a second image. This new image every 4 seconds is consistent and there are no time gaps in the recording.

Only one customer enters the Gas Express between 3 AM and 3:24:17 AM. This person is male and arrives as a passenger in an automobile at 3:13:13 AM. The vehicle leaves at 3:15:05 AM. The customer cannot be seen returning to the vehicle before it departs.

Images of this customer can be seen on several camera shots both outside and inside the store. These images were captured to graphic files. Only one image exposes the customer's face, which is at 3:14:29 AM. Unfortunately the video system time stamp covers a portion of the face. This image was captured as a still photo and imported to PhotoShop for enlargement and brightening.

A subsequent segment of the same video shows the arrival of police at the Gas Express at 4:35 AM. Two officers can be seen on the sidewalk at 4:35:53. It appears they are arriving together. A third officer can be seen on the sidewalk at 4:48:48, along with two police cars in an adjacent parking area. At 5:51:29 four officers can be seen in front of the Gas Express. All officers leave by 5:57:57.

3. Crime Scene video

Several still images from the crime scene video were captured, including pictures of the knife, the screwdriver, the keys and a full view of the crime scene. No enhancements were done on these images. These images are included on the data DVD.

There were two areas of interest found regarding audio.

- a. At the video time stamp of 4:48 AM there is a radio transmission in which the dispatcher says, "Officer's encountered a suspect. Was at 217 Akai St. He had a description of a responsible."
- b. At the video time stamp of 5:45 AM a male speaker says, "Well, I know one thing, whoever's responsible he's making a deal. He must have had those keys."

These two segments were isolated and the audio enhanced and synchronized back to the video. Separate audio files were also made. These files are located in appropriately labeled folders on the accompanying data DVD.

Additional information:

The captured still images, the video and the audio are presented with this report on the previously mentioned DVD data disk marked as *Christian 04-00743-DAE-LEK Video Evidence Data Files*. The directory of the disk is listed in Table 1. All files are accessible by both Macintosh and PC (Windows) computers. The video files are in AVI format, and may be viewed with Windows Media Player on a PC, or Quicktime on Macintosh. Because these files are relatively large, it is recommended that they be extracted to hard disk to avoid slow disk read stutters and errors.

Table 1: Directory of the data DVD labeled, *Christian 04-00743-DAE-LEK Video Evidence Data Files*

Video Evidence Data Files
 Bank ATM Video
 Images of Cops
 2-cops-4-35.jpg
 3rd-cop-4-48.jpg
 4th-cop-5-51.jpg
 Male Customer Images
 Male_Image_2_1.jpg
 Male_Image_2_2.jpg
 Male_Image_2_3.jpg
 Male_Image_2_4.jpg
 Male_Image_2_5.jpg
 Male_Image_2_6.jpg
 Male_Image_2_7.jpg
 Male_Image_2_8.jpg
 Male_Image_2_out-of-car.jpg
 Male_Image_2_side-of-car.jpg
 Male_Image_Brighter.jpg
 Male_Image_cropGF2.jpg
 Male_Image_Enlarged.jpg
 Male_Image_Enlarged_Brighte.jpg
 Male_Image_Enlarged_Very_Br.jpg
 Male_Image_Normal.jpg
 Male_Image_Very_Bright.jpg
 Male_Image_Very_Large.jpg
 Male_Image_Very_Large_Brigh.jpg
 Male_Image_Very_Large_Very_.jpg
 Slow Motion Video of Customer
 Male Image slo-mo video.avi

Table 1: Directory of the data DVD labeled, *Christian 04-00743-DAE-LEK*
Video Evidence Data Files (Continued)

Bank ATM Video (Continued)

Video Files

Bank Tape Original 3 to 330.avi
Bank Tape Original cops 1.avi
Bank Tape Original cops 2.avi

Crime Scene Video

Audio Segments

Audio Sync Video

Had those keys.avi
Radio Transmission video.avi

Had_those_keys

Had those keys FINAL-22exp.wav
Had those keys FINAL-31exp.wav
Had those keys FINAL-42exp.wav
Had those keys FINAL-53exp.wav
Had those keys FINAL.wav

Radio_Transmission

Radio Transmission FINAL-24exp.wav
Radio Transmission FINAL-33exp.wav
Radio Transmission FINAL-41exp.wav
Radio Transmission FINAL-52exp.wav
Radio Transmission FINAL.wav

Images

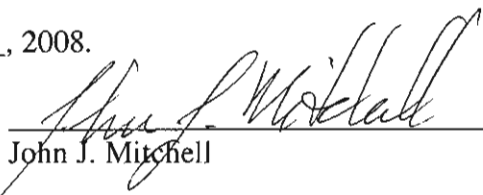
Full-Scene-1.jpg
Full-Scene-2.jpg
Keys.jpg
Knife-1.jpg
Knife-2.jpg
Screwdriver-1.jpg
Screwdriver-2.jpg
Screwdriver-3.jpg

My qualifications, including a list of the cases in which I have testified within the last four years, are contained in my *curriculum vitae*, which is attached. I have authored no publications relating to videotapes. My compensation regarding the examination and analysis of the videotapes is \$3,750.00.

ATTESTATION

I, John J. Mitchell, having been duly sworn, State that I have prepared the foregoing video examination **REPORT** and that the contents therein are true and correct to the best of my knowledge and belief.

Dated this 2 day of June, 2008.




John J. Mitchell

Subscribed and sworn to me this 2 day of JUNE, 2008 by John J. Mitchell.

Witness my hand and official seal.

My Commission expires: 4/25/2011



Notary Public



OFFICIAL SEAL
MARGARET PACHECO-BATTLE
NOTARY PUBLIC - STATE OF NEW MEXICO
My commission expires: 4/25/2011